THE MADRAS COURT OF WARDS ACT, 1902.

CONTENTS.

PREAMBLE.

CHAPTER I.

PRELIMINARY.

SECTIONS

1 Short title and extent.
2 Laws repealed.
3 Jurisdiction of High Court saved.
4 Definitions.

CHAPTER II.

THE COURT OF WARDS.

5 Court of Wards.
6 Control of State Government.
7 (1) Distribution of business.
(2) Secretary may sign for Court.
8 Powers of Court how exercised.

CHAPTER III.

ASSUMPTION OF SUPERINTENDENCE OF PERSONS AND PROPERTY.

9 Disqualification.
10 Immediate protection of disqualified heirs.
11 Recovery of expenditure.
12 Report by District Collector.
13 Proprietor to be given opportunity to be heard and to adduce evidence.
14 Report by Court.
15 State Government may declare proprietor disqualified, and direct Court to assume superintendence.
16 Proprietor not to be declared disqualified under section 9 (*d*) unless on ground of public interests.
17 Provision to meet case of undivided Hindu families and co-sharers.
18 Application by proprietor himself.
19 (1) Notification of assumption of superintendence.
(2) Consequences of such notification.

CHAPTER IV.

MANAGEMENT AND GUARDIANSHIP.

SECTIONS.

20 Collector to take charge of ward's property.

21 Powers of Collector in so doing.

22 Allowances for ward and family.

23 Custody, residence, education and marriage of ward or mionor relatives.

24 Appointment, etc., of managers and guardians.

25 Collector to act if there are none.

26 Who may and may not be guardians.

27 Duties of guardians.

28 Powers of manager.

29 Duties of manager.

30 Employees of Court deemed to be public servants.

31 Managers and other servants to be deemed to be public accountants and amenable to Regulation IX of 1822.

32 Regulation of expenditure.

33 Surplus how to be dealt with.

34 Disabilities of wards.

35 Powers of Court as to property under its superintendence.

36 Establishments and distribution of charges.

CHAPTER V.

ASCERTAINMENT AND SETTLEMENT OF DEBTS.

37 Notice calling upon claimants to notify claims.

38 Claimants to furnish full particulars and documents.

39 Pecuniary claim of the Government, etc., not affected.

40 Claims admitted and disallowed.

41 Claims not notified cease to carry interest, etc.

42 Inadmissibility in evidence of documents not produced.

43 When mortgagee in possession may be dispossessed.

44 Provision regarding leases for insufficient consideration.

45 Execution of decrees to be transferred to Collector in certain cases.

46 Collector to whom execution of decree has been transferred to cease to discharge the functions of a Collector under the Act.

47 Certain provisions of Civil Procedure Code to be applicable to execution of decrees transferred to Collector.

CHAPTER VI.

SUITS.

SECTIONS.

48. Exercise of discretion not to be questioned in civil court.
49 Suit not to be instituted until after notice to Collector.
50 Suit or proceeding by or against ward.
51 Costs against Collector or manager how paid.
52 Suits must be authorized by Court.
53 Adjudication of civil disputes between two or more wards.

CHAPTER VII.

RELEASE OF PERSONS AND PROPERTY FROM SUPERINTENDENCE.

54 Release from superintendence.
55 Release of estates taken under management under section 18 when debts cannot be liquidated within reasonable time.
56 When estate taken under management under section 18 may be made over to proprietor.
57 Option to retain superintendence in certain cases.
58 Disabilities of proprietor in such cases.
59 Appointment of guardian before release.
60 Recovery of expenses after release.
61 Procedure when succession to ward's property is disputed.
62 Notification of release from superintendence.

CHAPTER VIII.

MISCELLANEOUS.

63 Powers of Court in regard to religious endowments of which ward is hereditary trustee or manager.
64 Powers of persons holding inquiries.
65 Property under charge of Court not liable to sale for arrears.
66 Power to make rules.
66-A Application of Act to estates of Rulers of Indian States.

CHAPTER IX.

PENALTIES.

67 Abetting the unsanctioned marriage of a ward, etc.

(*Chapter I.—Preliminary.*)

MADRAS ACT No. I OF 1902.[1]

[THE MADRAS COURT OF WARDS ACT, 1902.]

[27*th May* 1902.]

An Act to consolidate and amend the law relating to the Court of Wards in the Madras Presidency.

WHEREAS it is expedient to consolidate and amend the law relating to the Court of Wards in the Presidency of Madras ; It is hereby enacted as follows :— Preamble.

CHAPTER I.

PRELIMINARY.

1. This Act may be called the Madras Court of Wards Act, 1902. Short title.

It extends to the Presidency of Madras exclusive of the scheduled districts.[2] Extent.

2. Section 25 of the Madras Collectors Regulation, 1803, the Madras Court of Wards Regulation, 1804, the Madras Minors Act, 1855, and the Madras Court of Wards (Amendment) Act, 1899, are hereby repealed. Laws repealed.

Mad. Reg. II of 1803.
Mad. Reg. V of 1804.
Central Act XXI of 1855.
Mad. Act IV of 1899.

3. Nothing in this Act shall be construed to affect or in any way to derogate from any power possessed by the High Court of Madras over the persons and estates of infants, idiots and lunatics. Jurisdiction of High Court saved.

4. In this Act, unless there is something repugnant in the subject or context : Definitions.

"The Court" means the Court of Wards. "Court".

"Ward" means a person who has been made a ward of the Court under section 19. "Ward".

"Minor" means a person who, under the provisions of the Indian Majority Act, 1875, as amended by section 52 of the Guardians and Wards Act, 1890, has not attained majority. "Minor."

Central Act IX of 1875.
Central Act VIII of 1890.

"Proprietor" means a person who owns or has a life interest in land either solely or as a co-sharer. "Proprietor."

[1] For Statement of Objects and Reasons, *see Fort St. George Gazette*, 1901, Extraordinary, p. 15 ; for Report of the Select Committee, *see ibid*, 1902, Extraordinary, p. 1 ; and for Proceedings in Council, *see ibid* 1901, Pt. IV, pp. 44, 74, and *ibid*, 1902, Pt. IV, pp. 46, 89, 123.

[2] The Act has been extended to the Scheduled Areas in the East Godavari, West Godavari and Visakhapatnam districts by the Madras (Partially Excluded Areas) Court of Wards Regulation, 1940 (Madras Regulation V of 1940).

(Chapter II.—The Court of Wards. Chapter III.—Assumption of Superintendence of Persons and Property.)

CHAPTER II.

THE COURT OF WARDS.

Court of Wards.

5. The Board of Revenue shall be the Court of Wards for the territories to which this Act extends, and for the purposes of this Act, Collectors shall be subject to the control of the Court.

Control of State Government.

6. The Court of Wards shall be subject to the control of the [1] [State Government], and the [1] [State Government] may, if it thinks fit, revise, modify or reverse any order passed or proceedings taken under this Act, whether a petition is presented against such order or proceeding or not.

Distribution of business.

7. (1) Sections 2, 3 and 4 of the Madras Board of Revenue Act, 1894, shall, so far as may be, apply to the Board of Revenue when exercising jurisdiction as the Court of Wards. Mad. Act I of 1894.

Secretary may sign for Court.

(2) It shall in all cases be lawful for a Secretary of the Board of Revenue to sign on behalf of the Court.

Powers of Court how exercised.

8. The Court may exercise all or any of the powers conferred on it by this Act through the District Collectors in whose districts any part of the property of the ward may be situated or through any other person whom it may appoint for the purpose; and may confer any of its powers on any such Collector or person and withdraw any powers so conferred.

CHAPTER III.

ASSUMPTION OF SUPERINTENDENCE OF PERSONS AND PROPERTY.

Disqualification.

9. The following proprietors shall be deemed to be disqualified for the management of their property:—

(*a*) Minors.

(*b*) Women declared by the [1] [State Government] to be incapable of managing their property.

(*c*) Proprietors adjudged by a competent civil court to be of unsound mind and incapable of managing their property.

(*d*) Proprietors declared by the [1] [State Government] to be incapable of managing their property owing to any physical or mental defect or infirmity rendering them unfit to manage their property.

---

[1] The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

(Chapter III.—Assumption of Superintendence of Persons and Property.)

Immediate protection of disqualified heirs.

10. (1) Whenever a Collector receives information that a proprietor of land situated in his division or district has died, and he has reason to believe that the heir of such proprietor is, or should be declared to be, disqualified under section 9,—

(*a*) he may take such steps and make such order as he thinks proper for the temporary custody and protection of the property which he has reason to believe to belong to the heir ;

(*b*) if the heir be a minor he may direct that the person, if any, having custody of the minor, shall produce him or cause him to be produced, at such place and time, and before such person, as he appoints, and may make such order for the temporary custody and protection of the minor as he thinks proper ;

(*c*) female minors who ought not to be compelled to appear in public shall be produced in accordance with the manners and the customs of the country.

(2) If the Collector taking action under sub-section (1) is not the District Collector, he shall report the matter forthwith to the District Collector, who shall decide whether to direct the Collector to withdraw, or himself to report the matter to the Court as provided in section 12.

Recovery of expenditure.

11. All expenses incurred by a Collector, acting under section 10, shall, whether the property is afterwards taken under the superintendence of the Court or not, form a charge upon the property concerned, and shall be recoverable from the owner of such property, or the person whom the Collector shall find to be in possession of such property, as an arrear of land-revenue.

Report by District Collector.

12. Whenever any District Collector, after making such inquiry as he deems necessary, has reason to believe that any proprietor in his district is, or should be declared to be, disqualified under section 9, he shall submit a report to the Court setting forth all the circumstances of the case: Provided that in the case of proprietors of land on which the annual revenue payable to Government is less than Rs. 10,000 or of which the annual rent value as defined in the Madras Local Boards Act, 1884,[1] is less than Rs. 20,000, the District Collector need not report the case to the Court unless he is of opinion that the Court ought to assume the superintendence of the property: Provided also that the Court or the [2] [State Government] may call for a report on any case if it thinks fit.

Madras Act V of 1884.

---

[1] *See* now the Madras District Boards Act, 1920 (Madras Act XIV of 1920).

[2] The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

(Chapter III.—Assumption of Superintendence of Persons and Property.)

Proprietor to be given opportunity to be heard and to adduce evidence.

13. (1) Before reporting to the Court under section 12 that a proprietor ought to be declared to be disqualified under clause (*b*) or (*d*) of section 9, the District Collector shall give notice to such proprietor and afford him a reasonable opportunity to be heard and to adduce evidence.

(2) All questions as to whether the provisions of this section have been complied with shall be decided finally by the [1] [State Government].

Report by Court.

14. The Court shall consider the Collector's report and except in the case of female proprietors, not being minors, whom it decides to leave in charge of their property, shall report the case to the [1] [State Government] with its recommendation and pending the receipt of orders shall have power to take such steps as it may deem necessary for the protection of the person and property of the proprietor in question.

State Government may declare proprietor disqualified and direct Court to assume superintendence.

15. The [1] [State Government] on receipt of the Court's recommendation, may in any case falling under clause (*b*) or (*d*) of section 9 declare the proprietor to be disqualified, and in any case falling under section 9 may order the Court to assume the superintendence of the person or property of the proprietor or of both.

Proprietor not to be declared disqualified under section 9 (*d*) unless on ground of public interests.

16. The [1] [State Government] shall not declare any proprietor to be disqualified under clause (*d*) of section 9 unless satisfied that it is expedient in the public interests that his property should be managed by the Court, and statement to this effect shall be inserted in the declaration made by the [1] [State Government] as provided in section 15.

Provision to meet case of undivided Hindu families and co-sharers.

17. (1) The [1] [State Government] shall not order the Court to take the property of an undivided Hindu family under its superintendence unless all the co-parceners are, or are declared to be, disqualified under section 9.

(2) When two or more proprietors are co-sharers otherwise than as co-parceners in an undivided Hindu family and one of such co-sharers is, or is declared to be, disqualified under section 9, the [1] [State Government] may order the Court to institute a suit for partition on behalf of the disqualified proprietor and to take under its superintendence the property allotted to such proprietor in the partition.

Application by proprietor himself.

18. A proprietor may make application to the [1] [State Government] to have his property placed under the superintendence of the Court, and the [1] [State Government] may, on being satisfied that it is expedient in the public interests

[1] The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

(Chapter III.—Assumption of Superintendence of Persons and Property. Chapter IV.—Management and Guardianship.)

that such property should be managed by the Court, make a declaration to that effect and order the Court to assume the superintendence of such property.

Notification of assumption of superintendence.

19. (1) Whenever under section 15 or 18 the [1] [State Government] orders the Court to take under its superintendence the person or property of a proprietor or both, such order of the [1] [State Government] together with any declaration made under the aforesaid sections, shall be notified in the [2] [Official Gazette] and also in the Gazette of the district in which such property or any portion thereof is situate. The notification shall specify the District Collector who shall discharge the duties imposed upon a Collector by this Act in respect of such person or property or both, as the case may be.

Consequences of such notification.

(2) Such proprietor shall be deemed to have become a ward under the Court, from the date of the said order of the [1] [State Government] and the superintendence of his person or property or of both shall take effect from the said date, and as to property shall extend to all movable and immovable property belonging to him at the date of the order, or to which he shall afterwards become in any way entitled whilst he continues under such superintendence:

Provided that it shall be in the discretion of the Court to assume or refrain from assuming the superintendence of any property which the ward may acquire otherwise than by inheritance subsequent to the date of the order of the [1] [State Government] under section 15 or 18.

CHAPTER IV.

MANAGEMENT AND GUARDIANSHIP.

Collector to take charge of ward's property.

20. When the Court has assumed the superintendence of the property of a ward, the District Collector specified in the notification under section 19 or if so directed by the Court, the Collector of the district in which any part of the property is situated shall take possession and custody of such property on behalf of the Court.

21. It shall be lawful for such Collector—

Powers of Collector in so doing.

(*a*) to order any person in possession of any movable property to the possession of which the ward is entitled or of any accounts or papers relating to the property of such ward, to deliver up such movable property, accounts or papers;

---

[1] The words "Provincial Government" was substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

[2] These words were substituted for the words "*Fort St. George Gazette*" by the Adaptation Order of 1937.

(*b*) in case there is reason to believe that any movable property to the possession of which the ward is entitled or any accounts, or papers relating to the property of the ward are to be found in any room, box, or receptacle within any house in the actual possession of the ward, to break open such room, box or receptacle or authorize the same to be broken open for the purpose of searching for such property, accounts or papers ;

(*c*) to order any person who is or has been in the employ of the ward, and any person who was in the employ of the deceased proprietor, if any, from whom the ward derives his title, to attend before him for examination and to defray the necessary expenses of any person so attending out of the assets of the estate ;

(*d*) to order all holders of tenures and under-tenures on the ward's property to produce their titles before him.

Allowances for ward and family.

22. The Court may determine what sums shall be allowed for the expenses of the ward and of his family and dependants.

Custody, residence, education and marriage of ward or minor relatives.

23. The Court may make such orders and arrangements, as to it may seem fit, in respect of the custody, residence, education and marriage—

(*a*) of any ward whose person is for the time being under its superintendence,

(*b*) of any minor child, minor brother, or minor sister of such ward, who, in the opinion of the Court, is entitled to maintenance at the charge of the ward's estate,

(*c*) of the ward's next male heir being a minor and also so entitled to maintenance.

Appointment, etc., of managers and guardians.

24. (1) The Court may appoint managers for the property, and guardians for the person, of any ward, and may control or remove any manager or guardian so appointed :

Provided that it shall not appoint a guardian for any person who has become a ward in pursuance of an order under section 18.

(2) Any appointment made under this section shall terminate when the Court ceases to exercise superintendence over the person for whom a guardian, or over property for which a manager, has been appointed.

Collector to act if there are none.

25. If no manager of the property or guardian of the person of a ward is appointed by the Court, or the office is temporarily vacant, the District Collector specified in the notification under section 19, or any other Collector whom the Court may appoint in this behalf, shall be competent, under the control of the Court, to do anything that might be done by such manager or guardian.

(*Chapter IV.—Management and Guardianship.*)

Who may and may not be guardians.

26. (1) No person being the next legal heir of a ward, or appearing to have a direct or indirect advantage in the death or continued disqualification of such ward, shall be appointed guardian of such ward :

Provided that the mother of a ward, or any person appointed guardian by the will of a person authorized to make such appointment may be appointed guardian by the Court at its discretion.

(2) A female guardian shall be appointed for a female ward, and a male guardian for a male ward above seven years of age, unless, in any case, the Court, for special reasons, shall direct otherwise :

Provided that no guardian shall ordinarily be appointed for a female ward if she has an adult husband.

Duties of guardians.

27. A guardian appointed under section 24 shall be charged with the custody of the ward, and, subject to the control of the Court, shall make suitable provision for his maintenance and health, and, if he be a minor, for his education, and for such other matters as are required by the personal law to which the ward is subject, and shall—

(*a*) give such security (if any), as the Court thinks fit, for the due performance of his duty ;

(*b*) submit such accounts as the Court may direct ;

(*c*) pay the balances due from him thereon ;

(*d*) continue liable to account to the Court after he has ceased to be guardian for his receipts and disbursements during the period of his guardianship ;

(*e*) apply for the sanction of the Court to any act which may involve expense, not previously sanctioned by the Court ;

(*f*) be paid such allowance out of the property of the ward as the Court thinks fit.

Powers of manager.

28. Every manager appointed by the Court shall have power, subject to the control of the Court, to collect the rents of land placed under his charge, as well as all other money due to the ward, and to grant receipts therefor, and may under the orders of the Court, grant or renew such leases as may in his opinion be necessary for the good management of the property, and do all such lawful acts as he may be generally or specially authorized by the Court to do for the good management of the property.

Duties of manager.

29. Every manager appointed by the Court shall manage the property placed under his charge diligently and faithfully and shall—

(*a*) give such security, if any, as the Court thinks fit duly to account for what he may receive in respect of the rents and profits of the property under his charge ;

(*b*) keep such accounts in such form and submit them at such times as the Court may direct;

(*c*) deal with all moneys received by him in such manner as the Court may direct;

(*d*) apply for the sanction of the Court to any act which may involve the property in expense not previously sanctioned by the Court;

(*e*) be responsible for any loss occasioned to the property by his negligence or wilful default;

(*f*) continue liable to account to the Court after he has ceased to be manager for his receipts and disbursements during the period of his managership;

(*g*) be paid such allowance out of the property of the ward as the Court thinks fit.

Employees of Court deemed to be public servants.

30. Every guardian, manager, or other servant of the Court, shall be deemed to be a "public servant" within the meaning of sections 161, 162, 163, 164 and 165 of the Indian Penal Code, and in the definition of legal remuneration contained in the said section 161, the word "Government" shall for the purposes of this section, be deemed to include the Court. Central Act XLV of 1860.

Manager and other servants to be deemed to be public accountants and amenable to Madras Regulation IX of 1822.

31. Every manager or other servant of the Court entrusted with the receipt, custody or control of moneys or securities for money on behalf of the Court or with the management of any property under its superintendence shall be deemed to be a public accountant within the meaning of the Public Accountants' Default Act, 1850, and shall be amenable to the provisions of the Madras Revenue Malversation Regulation, 1822, as if he were a [1] [ ] servant of the Collector's public establishments. Central Act XII of 1850. Mad. Reg. IX of 1822.

Regulation of expenditure.

32. Unless the Court otherwise directs, all moneys received by, or on behalf of, the Court on account of the property of any ward, shall be employed in meeting the charges included in Class I hereinafter specified before it is employed in meeting the charges in Classes II and III hereinafter specified, and in meeting the charges in Class II before it is employed in meeting those in Class III.

Class I.

Charges necessary for the maintenance, residence, education, marriage and indispensable religious observances of the ward and his family.

Charges necessary for the management and supervision of the property of the ward.

Charges on account of Government revenue and of all cesses and other public demands due in respect of such property, or any part of such property.

---

[1] The word "native" was omitted by the Adaptation (Amendment) Order of 1950.

(*Chapter IV.—Management and Guardianship.*)

Class II.

Charges on account of rent, cesses or demands due to any superior landholder in respect of any land held on behalf of the ward.

The liquidation of debts payable by the ward.

Expenses necessary to protect the interests of the ward in the civil courts or otherwise.

The maintenance in efficient condition of the estates, buildings and other immovable property and the suitable upkeep of the furniture, equipage, live-stock and other movable property belonging to the ward.

Class III.

The payment of such charges for the religious observances of the ward and his family and of such religious, charitable and other allowances, and of such donations befitting the position of the ward's family, as the Court may authorize to be paid.

The prevention and relief of distress among the ward's tenantry.

The improvement of the land and property of the ward and the benefit of the ward and his property generally.

Surplus how to be dealt with.

33. Any surplus which remains after providing, so far as the Court deems fit for the objects mentioned in section 32, shall be applied in the purchase of other landed property, or invested at interest on the security of—

(*a*) promissory notes, debentures, stock and other securities of the [1] [Central Government] ;

[2] [(*b*) bonds, debentures and annuities charged by the Parliament of the United Kingdom before the 15th day of August 1947 on the revenues of India or of the Governor-General in Council or of any Province ;]

(*c*) stock, or debentures of, or shares in, railways or other companies, the interest whereon has been guaranteed by the Secretary of State for India in Council ;

(*d*) debentures, or other securities for money, issued by, or on behalf of, any local authority under the authority of [3] [any Central Act, any Provincial Act as defined in clause (46) of section 3 of the General Clauses Act, 1897, or any Act of the Legislature of a Part A State or a Part C State] ;

---

[1] These words were substituted for the words " Government of India " by the Adaptation Order of 1937.

[2] This clause was substituted by the Adaptation (Amendment) Order of 1950 for the original clause as amended by the Adaptation Order of 1937.

[3] The portion within square brackets were substituted for the words " any Act of a Legislature, established in British India " by the Adaptation Amendment) Order of 1950.

(*e*) such other securities, stock, or shares guaranteed by the [1] [Central Government] or the [2] [State Government] as the Court shall deem fit ; or,

(*f*) first mortgages of immovable property situate in [3] [a Part A State or a Part C State] provided that the property is not a leasehold for a term of years and that the value of the property exceeds by one-third or if consisting of buildings, exceeds by one-half, the mortgage-money.

[4] [**34.** (1)] A ward shall not be competent—

Disabilities of wards.

(*a*) to transfer or create any charge on, or interest in, any part of his property which is under the superintendence of the Court, or to enter into any contract or to make any acknowledgment involving him in pecuniary liability personally or in respect of such property : but nothing in this clause or in section 23 shall be deemed to affect the capacity of a ward to enter into a contract of marriage : provided that he shall not incur in connection therewith any pecuniary liability, except such as, having regard to the personal law to which he is subject, and to his rank and circumstances, the Court may, in writing, declare to be reasonable ;

(*b*) to grant valid receipts for the rents and profits arising or accruing from such property or for debts or other moneys due to the estate ;

(*c*) to adopt or to give a written or verbal permission to adopt, without the consent of the Court ;

(*d*) to dispose of his property by will without the consent of the Court :

Provided first, that the Court shall not withhold its consent under clause (*c*) or (*d*) if the adoption or testamentary disposition is not contrary to the personal or special law applicable to the ward, and does not appear likely to cause pecuniary embarrassment to the property, or to lower the influence or respectability of the family in public estimation :

Provided, secondly, that the Court may confirm a will or an adoption made, or a permission to adopt given, without its previous consent :

Provided thirdly, that the provisions of clauses (*c*) and (*d*) shall not apply to any proprietor in regard to whose property a declaration has been made under section 18.

[5] [(2) No claim under section 68 of the Indian Contract Act, 1872, shall be enforceable against the property of a ward

Central Act IX of 1872.

[1] These words were substituted for the words "Government of India" by the Adaptation Order of 1937.

[2] The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

[3] These words were substituted for the words "British India" by the Adaptation (Amendment) Order of 1950.

[4] Section 34 was renumbered as sub-section (1) of section 34 by section 2 of the Madras Court of Wards (Amendment) Act, 1933 (Madras Act XVII of 1933).

[5] This sub-section was added by *ibid.*

(Chapter IV.—Management and Guardianship.
Chapter V.—Ascertainment and Settlement of Debts.)

which is under the superintendence of the Court; but the Court may, in its discretion, satisfy in whole or in part, any such claim.]

Powers of Court as to property under its superintendence.

35. The Court may mortgage or sell the whole or any part of any property under its superintendence and may give leases or farms of the whole or any part of such property for such terms as it thinks fit, and may make remissions of rent or other dues, and may generally pass such orders and do such acts not inconsistent with the provisions of this or any other Act for the time being in force as it may judge to be for the advantage of the ward or for the benefit of the property.

Establishments and distribution of charges.

36. The Court may order such establishments to be employed and charges to be incurred as it shall consider requisite for the care and management of the persons and properties under its superintendence, and generally for all the purposes of this Act, and may order that such charges shall be borne by and distributed amongst the said properties in such proportions as it deems fit.

CHAPTER V.

Ascertainment and Settlement of Debts.

Notice calling upon claimants to notify claims.

37. (1) On the publication of a notification under section 19, the District Collector therein specified may, at any time with the previous sanction of the [1] [State Government] publish in the Gazette of the district or districts in which such property may be situate a notice in English and in the vernacular calling upon all persons having pecuniary claims, whether immediately enforceable or not against the ward or his property to notify the same in writing to the Collector within six months from the date of such notification.

(2) The notice shall also be published at such places and in such other manner as the Court may, by general or special order, direct and shall be sent by registered post to every person who is known to the Collector as having a pecuniary claim against the ward or his property and of whose address the Collector is credibly informed.

(3) The [1] [State Government] may at any stage of the proceedings under sections 37, 38 and 40 invest any person either by name or in virtue of his office with the powers of a Collector for any or all of the purposes of these sections.

Explanation.—A claim shall be deemed to be pecuniary for the purpose of this section and sections 38 and 41 notwithstanding that a suit for its enforcement or a reference of such claim to arbitration is pending or that a decree or award has been passed establishing the same.

[1] The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

(Chapter V.—Ascertainment and Settlement of Debts.)

Claimants to furnish full particulars and documents.

38. (1) Every such claimant shall within the period prescribed by section 37, notify to the Collector in writing his claim with full particulars thereof :

Provided that any claim presented after the expiration of such period and within a further period of six months may be admitted if the claimant staisfies the Collector that he had sufficient cause for not notifying the claim at an earlier date.

(2) Every document (including entries in books of account) in the possession of or under the control of the claimant on which he founds his claim, shall be produced before the Collector with the statement of claim or within such time after the preferring of the claim as may be allowed by the Collector in that behalf :

Provided that if the claim relates to an amount secured by a decree or award, it shall be sufficient for the claimant to produce before the Collector a certified copy of the decree and a certificate from the Court which passed or is executing the same declaring the amount recoverable thereunder or a true copy of the award and a statement of the sum recoverable thereunder as the case may be ; and if the claim is pending adjudication in any court or has been referred to arbitration, it shall be sufficient for the claimant to produce a certified copy of the plaint or a true copy of the reference to arbitration as the case may be.

(3) It shall be lawful for the Collector to require the production by any claimant of such of the documents in his possession or power relating to his claim other than the documents, if any, produced under sub-section (2) as the Collector may consider necessary.

(4) Unless the Collector shall otherwise direct, every document produced under this section shall be accompanied by a true copy thereof. The Collector shall mark the original document for the purpose of identification and, after examining and comparing the copy with it, shall retain the copy and return the original to the claimant.

Pecuniary claim of the Government, etc., not affected.

39. Nothing contained in sections 37 and 38 shall apply to any pecuniary claim of [1] [the Government] or any local authority, or to claims for maintenance or for wages or salaries due to servants.

Claims admitted and disallowed.

40. The Collector shall after making such inquiry as he may deem fit, decide which claims notified or admitted under section 38 are to be allowed in whole or in part, and which are to be disallowed, and, on his decision being confirmed by the Court, shall give written notice of the same to the claimants :

[1] The words " the Crown " were substituted for the word " Government " by the Adaptation Order of 1937 and the word " Government " was substituted for " Crown " by the Adaptation Order of 1950.

Provided that nothing herein contained shall be construed as precluding any claimant from continuing or instituting proceedings in any civil court in respect of any claim whether such claim be allowed or disallowed by the Court in whole or in part.

Claims not notified cease to carry interest, etc.

41. Every pecuniary claim against the ward or his property which has not been duly notified to, or admitted by the Collector under section 38 shall notwithstanding any law, contract, decree or award to the contrary, cease to carry interest from the expiration of the period prescribed by section 37, and shall not be paid until after the discharge or satisfaction of the claims notified or admitted under section 38.

Inadmissibility in evidence of documents not produced.

42. No document in the possession or under the control of the claimant which should have been, but has not been, produced in accordance with the requirements of section 38 shall be admissible in evidence against the ward or his representative in any suit brought by or against the claimant, or any person claiming under him unless it be proved to the satisfaction of the civil court that it was not within his power to produce such document before the Collector.

When mortgagee in possession may be dispossessed.

43. (1) When any property of a ward is in the possession of a mortgagee, or any person claiming under a mortgagee, the [1] [State Government] may, on being satisfied that it is expedient in the public interests that the estate should be preserved and that such incumbrancer should deliver up possession of the mortgaged property, make a declaration to that effect, and direct the Court to take possession thereof; the Court shall, thereupon by an order in writing, require such incumbrancer to deliver up possession of the same to the manager at the end of the then current revenue year.

(2) If such incumbrancer refuses or neglects to obey such order, the Collector may, without resorting to a civil court, enter upon the property, and summarily evict therefrom the said incumbrancer and any other person obstructing or resisting on his behalf.

(3) The dispossession of the incumbrancer under sub-sections (1) and (2) shall not deprive him of any summary powers which he would have had under the Madras Rent Recovery Act, 1865 [2], for the recovery of arrears of rent due to him at the date of his dispossession.

Madras Act VIII of 1865.

(4) If in the instrument of mortgage under which the incumbrancer is in possession of the property, no rate of interest is specified, the Collector, shall, in cases where the mortgage debt has been notified to or admitted by him, offer

[1] The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

[2] Repealed by Madras Act I of 1908.

to the incumbrancer the rate of interest which appears to him to be reasonable; and pass an order fixing the rate accordingly. Copy of the order shall be served upon the incumbrancer in the manner prescribed by the Code of Civil Procedure[1] for service of summons upon a defendant. If the incumbrancer be dissatisfied with the rate of interest so fixed, he may, within three months from the date of service upon him of such order, institute a suit against the ward in a district court within whose jurisdiction the property mortgaged or any portion thereof is situate, and the said court shall, if the mortgage debt has been notified or admitted as aforesaid, pass a declaratory decree fixing such rate of interest as to it may seem reasonable. If no such suit be instituted within the said period, the incumbrancer shall be deemed to have agreed to the rate fixed by the Collector. Central Act XIV of 1882.

(5) If an incumbrancer is dispossessed under this section, the money due to him under the instrument of mortgage at the date of such dispossession together with subsequent interest on the unliquidated principal of the mortgage debt at the rate stipulated in the said instrument, and in the absence of such stipulation at the rate determined as hereinbefore provided, shall, subject to the provisions of section 41, and subject to the charges specified in classes I and II in section 32, excepting the liquidation of debts payable by the ward, and the provisions with reference to the upkeep of the furniture, equipage, live-stock and other movable property belonging to the ward, be recoverable together, with any money which he may be legally entitled to add to the principal money, on the security of the property mortgaged and of the rents and profits arising or accruing therefrom subsequent to the date of such dispossession, in the same manner as if he were a simple mortgagee under the said instrument of such property and of such rents and profits.

(6) The Collector shall, as soon as conveniently may be, after the expiration of the revenue year commencing with the date of such dispossession and of every successive revenue year declare, subject to the approval of the Court, the gross annual rents and profits realized from such property, the several heads of expenditure and the balance and such declaration shall be conclusive evidence of the statements therein contained. A copy of such declaration shall be furnished to the dispossessed incumbrancer free of charge.

Provision regarding leases for insufficient consideration.

44. (1) When any property of a ward is in the possession of any person claiming to hold under a lease granted by the ward and dated within the three years immediately preceding the commencement of the superintendence or of any person claiming under such lessee, the Collector may inquire into

[1] *See* now the Code of Civil Procedure, 1908 (Central Act V of 1908).

the sufficiency of the consideration for which the lease was granted ; and if such consideration appears to him inadequate, he may, with the previous sanction of the Court, give notice in writing that the lease shall determine at the end of the then current revenue year unless the lessee or any one claiming under him pays or agrees to pay such additional consideration as may be mentioned in such notice within a date therein fixed. If within such date such person does not pay or enter into an agreement to pay the additional consideration demanded, or such other consideration as the Collector may be willing to accept, the lease shall determine at the end of the then current revenue year :

Provided that such person may, if dissatisfied with the said notice of the Collector, institute a suit against the ward within three months from the date of service of such notice in a district court within whose jurisdiction the property comprised in the lease or any portion thereof is situate for determining whether the consideration for the lease was adequate, and if not, whether the additional consideration demanded by the Collector or what other amount is reasonable.

(2) If the said district court be satisfied that the lease was granted for adequate consideration and it is not shown to be otherwise invalid, it shall pass a decree establishing the validity of the lease.

(3) If the district court holds the consideration for the lease to be inadequate, it shall determine the amount of additional consideration to be paid by the lessee.

(4) If no such suit be instituted or if on the institution of such suit the lessee does not within one month from the date of the decree therein pay or enter into an agreement to pay the additional consideration, determined by the district court, the Collector may without resorting to a civil court enter upon the property and summarily evict therefrom such person and any other person obstructing or resisting on his behalf.

Execution of decrees to be transferred to Collector in certain cases.

45. (1) In the case of any specified ward of the Court, the [1][State Government] may [2] [* * * * * * *] declare by notification in the Official Gazette that execution of decrees passed by civil courts, which are capable of execution by sale of any immovable property of such ward, or which in pursuance of a contract specifically affecting any such immovable property order the sale of the same, whether such decrees be passed prior to such notification or subsequent thereto, shall be

[1] The words " Provincial Government " were substituted for the words " Local Government " by the Adaptation Order of 1937 and the word " State " was substituted for " Provincial " by the Adaptation Order of 1950.

[2] The words " with the previous sanction of the Governor-General in Council " were omitted by the Devolution Act, 1920 (Central Act XXXVIII of 1920) First Schedule—Part iii.

transferred to the Collector of the district in which such property or any portion thereof is situate and rescind such notification :

Provided that when a portion only of a decree passed by a civil court is of the description aforesaid, such portion alone shall be transmitted to the Collector for execution.

(2) The [1] [State Government] may also notwithstanding anything contained in the Code of Civil Procedure[2] prescribe rules for the transmission of the decree from the civil court to the Collector, and for regulating the procedure of the Collector in executing the same, and for retransmitting the decree from the Collector to the civil court. Central Act XIV of 1882.

(3) Rules under this section may confer upon the Collector or any gazetted subordinate of the Collector all or any of the powers which a civil court might exercise in the execution of the decree if the execution thereof had not been transferred to the Collector, including the powers of the civil court under sections 294 and 312 of the Code of Civil Procedure[2] and may provide for orders passed by the Collector or any gazetted subordinate of the Collector or orders passed on appeal with respect to such orders, being subject to appeal to and revision by superior revenue authorities as nearly as may be as the orders passed by the civil court, or orders passed on appeal with respect to such orders, would be subject to appeal to and revision by appellate or revisional civil courts under the Code of Civil Procedure [2] or other law for the time being in force if the decree had not been transferred to the Collector. Central Act XIV of 1882. Central Act XIV of 1882.

(4) A power conferred by the rules upon the Collector, or any gazetted subordinate of the Collector, or upon any appellate or revisional authority, shall not be exercisable by the civil court which passed the transferred decree or by any civil court in exercise of any appellate or revisional jurisdiction which it has with respect to decrees or orders of the aforesaid civil court.

(5) In executing a decree transferred to the Collector under this section the Collector shall be deemed to be acting judicially within the meaning of the Judicial Officer's Protection Act, 1850. Central Act XVIII of 1850.

Collector to whom execution of decree has been transferred to cease to discharge the functions of a Collector under the Act.

46. (1) When the Collector, to whom the execution of any decree has been transferred under section 45, is also the Collector who has to discharge the other functions of a Collector under this Act in respect of the ward against whom such decree has to be executed, the [1] [State Government] shall appoint some other person by name or in virtue of his office to exercise the functions of a Collector under this Act in respect

[1] The words " Provincial Government " were substituted for the words " Local Government " by the Adaptation Order of 1937 and the word " State " was substituted for " Provincial " by the Adaptation Order of 1950.

[2] *See* now Central Act V of 1908.

of such ward other than the execution of the decrees transferred to him.

(2) The Board of Revenue may authorize the person so appointed to exercise all or any of the powers conferred on a revenue-officer in charge of a division by sub-section (2) of section 16 of the Madras Proprietary Estates Village Service Act, 1894.

Madras Act II of 1894.

47. The provisions of sections 321, 322, 322 A, 322 B, 322 C, 322 D, 323, 324, 324 A, 325, 325 A, 325 C of the Code of Civil Procedure,[1] shall subject to the provisions of this Act and to such rules as may be prescribed by the [2] [State Government] under section 45, be applicable as far as may be to the execution of decrees transferred under section 45.

Central Act XIV of 1882.

Certain provisions of Civil Procedure Code to be applicable to execution of decrees transferred to Collector.

CHAPTER VI.

SUITS.

48. No declaration made by the [2] [State Government] under section 15 or 18 and no act done in the exercise of any discretionary power conferred by this Act shall be questioned in any civil court.

Exercise of discretion not to be questioned in civil court.

49. (1) No suit relating to the person or property of any ward shall be instituted in any civil court until the expiration of two months after notice in writing has been delivered to or left at the office of the District Collector specified in the notification under section 19 or the Collector appointed under section 46, as the case may be.

Suit not to be instituted until after notice to Collector.

(2) Such notice shall state the name and place of abode of the intending plaintiff, the cause of action and the relief which he claims; and the plaint shall contain a statement that such notice has been so delivered or left:

Provided that notice under this section shall not be required in the case of any suit the period of limitation for which will expire within three months from the date of the notification under section 19.

[3] [**50.** In all suits or proceedings in any civil or revenue court the ward shall sue and be sued in his own name and the manager of his property appointed under section 24 or, if there is no such manager, the officer competent to act as manager under section 25 shall represent him, as next friend or guardian *ad litem* as the case may be.]

Suit or proceeding by or against ward.

---

[1] *See* now Central Act V of 1908.

[2] The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

[3] Substituted for the original s. 50 by Mad. Act I of 1911, s. 2.

(Chapter VI.—Suits. Chapter VII.—Release of Persons and Property from Superintendence.)

Costs against Collector or manager how paid.

51. If in any such suit or proceedings any civil or revenue court shall decree any costs against the * * * [1] manager [2][or other officer competent to act as manager under section 25] the Court of Wards shall cause such costs to be paid out of any property of the ward, which, for the time being, may be in its hands.

Suits must be authorized by Court.

52. No suit shall be brought on behalf of any ward by the * * * [1] manager [2][or other officer competent to act as manager under section 25] unless authorized by some particular or general order of the Court:

Provided that a manager [3][or other officer as aforesaid] [4]. . . . . may file a plaint in order to prevent a suit from being barred by the law of limitation, but such suit shall not be further proceeded with, until the consent of the Court has been obtained.

Adjudication of civil disputes between two or more wards.

53. (1) When any question arises as between two or more wards of such a nature that an adjudication upon it by a civil court is expedient, it shall be lawful for the Court of Wards, acting through the Collector of the district in which a case might have been stated for the opinion of the civil court with regard to such matter under section 527 of the Code of Civil Procedure, [5] to file in the civil court having jurisdiction, a statement containing the point or points for determination. Central Act XIV of 1882.

(2) When such statement has been filed, the civil court shall appoint a guardian *ad litem* for each ward having a separate interest, and such guardians shall thereupon conduct the case subject to the general control of the Court of Wards.

(3) The civil court may, if it thinks fit, amend the case so stated, and shall then proceed to hear and dispose of the case in the manner provided in Chapter XXXVIII of the Code of Civil Procedure [5] for the hearing and disposal of cases stated for opinion under that Chapter. Central Act XIV of 1882.

CHAPTER VII.

Release of Persons and Property from Superintendence.

Release from superintendence.

54. The Court may, with the previous sanction of the [6][State Government] in all cases where superintendence has been assumed in pursuance of orders under section 15, at

---

[1] The words "Collector or" were omitted by Mad. Act I of 1911, s. 3.

[2] Inserted by *ibid.*

[3] Inserted by *ibid*, s. 4.

[4] The words "in the name of the Collector or in his own name as the case may be" were repealed by *ibid.*

[5] *See* now Central Act V of 1908.

[6] The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

(Chapter VII.—Release of Persons and Property from Superintendence.)

any time release from its superintendence the person or property of a ward or both and shall save as provided in section 57 release from superintendence—

(*a*) the person and property of a ward disqualified under clause (*a*) of section 9 as soon as he ceases to be a minor ;

(*b*) the person and property of a ward disqualified under clause (*c*) of section 9 as soon as it is found by a competent civil court that the disability has ceased ;

(*c*) the person and property of a proprietor declared to be disqualified under clause (*b*) or (*d*) of section 9 as soon as the [1][State Government] revokes its declaration that such proprietor is disqualified ;

(*d*) the property of an undivided Hindu family, and the person of every co-parcener therein who is not possessed of separate estate, as soon as any co-parcener ceases to be disqualified under section 9.

Release of estates taken under management under section 18 when debts cannot be liquidated within reasonable time.

55. (1) The Court may, with the previous sanction of the [1][State Government], at any time within two years from the date of the notification published under section 19, release from its superintendence, on a day to be notified, the property of a person who has been made a ward of the Court in pursuance of an order under section 18 without liquidating any of his debts and liabilities or after liquidating some of the debts and liabilities, when the Court is satisfied that it is impracticable to liquidate within a reasonable time all the debts and liabilities or such of them as have not been liquidated and in either case the legal incapacity of such ward shall cease on the date so notified.

(2) Whenever an incumbrancer is dispossessed under section 43, and his debt remains unliquidated at the time the Court releases from its superintendence the property of such ward under sub-section (1), the Collector shall replace the incumbrancer in possession.

(3) Whenever the property of a person is released under sub-section (1) from the superintendence of the Court, the provisions of sections 41 and 42 shall not apply to any of the debts and liabilities of the ward remaining unliquidated at the time when his properties is so released.

(4) In computing the period of limitation applicable to a suit brought or application made against such person or his legal representative after the Court has released his property under sub-section (1) the time during which the superintendence of the Court continued shall be excluded.

---

[1] The words " Provincial Government " were substituted for the words " Local Government " by the Adaptation Order of 1937 and the word " State " was substituted for " Provincial " by the Adaptation Order of 1950.

(Chapter VII.—Release of Persons and Property from Superintendence.)

When estate taken under management under section 18 may be made over to proprietor.

56. The Court may, with the previous sanction of the [1] [State Government], replace any proprietor made a ward of the Court in pursuance of an order under section 18, in the management of his estate on a day to be notified if the debts and liabilities binding on his estate have been discharged, and the Court is satisfied that he will thereafter be competent to take charge of his estate and administer his own affairs and his legal incapacity shall cease on such date.

Option to retain superintendence in certain cases.

57. When a ward dies or ceases to be disqualified before the debts and liabilities binding on his estate have been discharged, the Court may, with the previous sanction of the [1] [State Government], retain the property under its superintendence until the debts and liabilities are discharged or for any shorter period, and when for the purpose of discharging such debts and liabilities the Court has raised money on condition that it should retain the superintendence of the property until the money so raised is repaid, the Court shall not without the consent of the lender or his representatives withdraw from superintendence until the money so raised has been repaid :

Provided that, after the death of the ward, the Court shall not retain charge on account of any debt or liability which has been declared by a civil court not to be binding on the representatives of the deceased ward.

Disabilities of proprietor in such cases.

58. If the Court retains the superintendence under the provisions of the last preceding section, the person who has succeeded to the property, or the person who has ceased to be disqualified shall in so far as the property in question is concerned be deemed to be a ward of the Court for the purposes of clauses (*a*) and (*b*) of [2] [sub-section (1) and sub-section (2) of section 34].

Appointment of guardian before release.

59. (1) When the Court decides to release from its superintendence the person and property of a minor it may, before such release, by an order in writing, appoint any person to be the guardian of the person or property or both of such minor.

(2) Such appointment shall take effect from the date of such release.

(3) In appointing a guardian under this section, the Court shall be guided by the provisions of section 17 of the Guardians and Wards Act, 1890. Central Act VIII of 1890.

[1] The words " Provincial Government " were substituted for the words " Local Government " by the Adaptation Order of 1937 and the word " State " was substituted for " Provincial " by the Adaptation Order of 1950.

[2] The portion within square brackets was substituted for the word and figures " section 34 " by section 3 of the Madras Court of Wards (Amendment) Act, 1933 (Madras Act XVII of 1933).

(Chapter VII.—Release of Persons and Property from Superintendence. Chapter VIII.—Miscellaneous.)

Central Act VIII of 1890.

(4) Every such guardian shall have and be subject to the same rights, duties and liabilities as if he had been appointed under the Guardians and Wards Act, 1890.

Recovery of expenses after release.

60. Any expense incurred by the Court on account of any property under its charge, and not defrayed from such property during the Court's superintendence may, after the release of such property, be recovered as if it were an arrear of land-revenue from any person into whose possession such property or any part thereof may have passed :

Provided that the sum so recovered from any such person shall not be greater than the value of any such property, which so passed into the possession of such person.

Proceduro when succession to ward's property is disputed.

61. Whenever, on the death of any ward, the succession to his property or any part thereof is disputed, the Court may either direct that such property, or part thereof, be made over to any person claiming the property, or may retain the superintendence of the property until a claimant has established his title to the same in a competent civil court, or institute a suit of inter-pleader against all the claimants.

Notification of release from superintendence.

62. Whenever the Court releases any person or property from its superintendence, the fact of such release shall be notified in the [1][Official Gazette] and also in the Gazette of the district in which such property or any part thereof is situate.

CHAPTER VIII.

MISCELLANEOUS.

Powers of Court in regard to religious endowments of which ward is hereditary trustee or manager.

63. If a ward is the hereditary trustee or manager of a temple, mosque or other religious establishment or endowment, the Court, notwithstanding anything contained in section 22 of the Religious Endowments Act, 1863, may make such arrangements as it thinks fit for the discharge, during the wardship of the ward's duties as trustee or manager, provided that for the direct and personal management of the religious affairs of any such institution, establishment or endowment the Court shall appoint suitable persons other than [2][servants of the Government] and that the Court shall as far as possible restrict its superintendence to the preservation of the property belonging to the institution, establishment or endowment.

Central Act XX of 1863.

---

[1] These words were substituted for the words "*Fort St. George Gazette*" by the Adaptation Order of 1937.

[2] The words "servants of the Crown" were substituted for the words "officers of Government" by the Adaptation Order of 1937 and the word "Government" was substituted for "Crown" by the Adaptation Order of 1950.

Powers of persons holding inquiries.

64. In holding any inquiry under this Act the Collector or other person authorized to hold such inquiry shall have all the powers conferred on revenue officers by the Madras Revenue Summonses Act, 1869. Madras Act III of 1869.

Property under charge of Court not liable to sale for arrears.

65. No immoveable property under the superintendence of the Court shall be liable to sale on account of arrears of land-revenue, accruing while such estate is under the superintendence of the Court :

Provided that all such arrears of revenue shall be the first charge upon the sale proceeds of any such property which may be sold for any other cause than for arrears of revenue.

Power to make rules.

66. The Court may, with the previous sanction of the [1][State Government], make rules consistent with this Act—

(*a*) regulating the management of property under the superintendence of the Court ; and

(*b*) generally for the guidance of all persons in all proceedings under this Act and for carrying out the provisions of this Act.

Application of Act to estates of Rulers of Indian States.

[2][**66-A.** The powers and functions conferred on the State Government by or under this Act shall, in relation to the estates of Rulers of Indian States, be powers and functions of the Central Government.]

CHAPTER IX.

PENALTIES.

Abetting unsanctioned marriage of wards, etc.

67. Whoever, without the previous consent of the Court, abets the marriage of any of the persons specified in clauses (*a*), (*b*) and (*c*) of section 23 shall be liable, on conviction before a Court of Session, to a fine not exceeding Rs. 2,000 or to imprisonment for a term not exceeding six months or to both.

---

[1] The words " Provincial Government " were substituted for the words " Local Government " by the Adaptation Order of 1937 and the word " State " was substituted for " Provincial " by the Adaptation Order of 1950.

[2] This section was inserted by the Adaptation (Amendment) Order of 1950.